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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,662	08/29/2001	Hisao Yasuda	1614.1183	4832
21171	7590	12/12/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			PESIN, BORIS M	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/940,662

Applicant(s)

YASUDA, HISAO

Examiner

Boris Pesin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,8,9 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8,9 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to the amendment filed 08/30/2006.

Claims 1, 2, 4, 8, 9 and 14 are pending in this application. Claims 1, 2, 8, 9, and 14 are independent claims. In the amendment filed 08/30/2006, Claims 1, 2, 8, 9 and 14 were amended. This action is made Non-Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

Claims 1, 2, 4, 8, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezekiel et al. (US 5625783) in view of Carpenter et al. (US 5754174) further in view of McGurrin et al. (US 5760776).

In regards to claim 1, Ezekiel teaches a method for suppressing menu items on a menu, comprising:

retrieving menu items for said menu when an operating system conducts a hook function to notify that an application displays said menu (i.e. *"To rebuild the menu bar and menus (steps AD, AE, and AF), application program 260 determines what packages and packets are active and gathers the commands from the command tables of these packages and packets (step AD). It then constructs a complete menu hierarchy including a menu bar, menus, and submenus, if any, in which the commands*

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*from the various command tables are organized according to their display groups (step AE). The resulting menu bar is displayed in visual display 221, and the menus and submenus therein become available for selection by the user with selector device 222 (step AF)."* Column 8, Line 49);

conducting a suppress process indicated in a definition file for each of said menu items when said retrieved menu items have been registered in said definition file (i.e. *"The step of organizing the contents of the menu bar and menus (step AE) is shown in greater detail in the flowchart of FIG. 7. In the specific embodiment, shell 300 uses an organizational plan that is predetermined and built into the design of application program 260. The organizational plan provides a guideline as to which menus are to be included in the menu bar and in what order, and which groups are to be included in particular menus and in what order. It is readily extensible to new groups and menus introduced by add-on software components. For example, the add-on components can specify where a new group or menu is to appear in relation to an existing group or menu."* Column 9, Line 14);

and passing said menu having said menu items to said application when said suppress process is conducted in said conducting, whereby said menu is displayed with said menu items for each of which said suppress process is conducted (i.e. *"Within the menu currently under consideration, shell 300 considers in turn each group identifier that could possibly appear in the menu (step CB). If, according to the menu contents as previously determined in step AD, no commands are assigned to a display group for this group identifier (step CC), then the group is suppressed from the menu (step CD).*

*Otherwise, the group is included in the menu as a display group that contains the previously determined commands (step CE). Processing continues until all possible groups of the menu have been considered. If the resulting menu is empty because all of its groups were suppressed (step CF), then the entire menu is suppressed (step CG). Otherwise the menu is included in the menu bar (step CH). Processing continues until all possible menus have been considered."* Column 9, Line 30).

Ezekiel does not specifically teach modifying a definition file by allowing a user to select one or more of said menu items being registered in a definition file to be suppressed, and to indicate a suppress process, among a plurality of suppress processes, to be performed on said one or more of said menu items. Carpenter teaches modifying a definition file by allowing a user to select one or more of said menu items being registered in a definition file to be suppressed, and to indicate a suppress process, among a plurality of suppress processes, to be performed on said one or more of said menu items (i.e. Figure 4, Element 72). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ezekiel with the teachings of Carpenter and provide the functionality of modifying a definition file by allowing a user to select one or more of said menu items being registered in a definition file to be suppressed, and to indicate a suppress process, among a plurality of suppress processes, to be performed on said one or more of said menu items with the motivation to offer the user with greater flexibility in choosing what is displayed on the screen.

Ezekiel and Carpenter do not specifically teach a method for displaying a suppressed menu item so as to be visible but impossible to select. McGurrian teaches,

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*"Some menu items may appear differently than others in order to indicate whether they are selectable by the user (i.e., enabled or disabled)." Column 1, Line 61 and "A menu editor is used to select whether menu items are enabled or disabled (i.e., unavailable for selection)." Column 2, Line 47 and "The menu editor is typically used to define various properties of every object of the menu structure. This would include the style of the individual menu and the conditions for which menu items should be enabled or disabled. Thus individual menu 330 may appear differently during execution of the application than it appears in the document window of the menu editor because of these property settings and the current operational state of the application."* (Column 4, Lines 36). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ezekiel and Carpenter with the teachings of McGurrian and include a method of displaying a suppressed menu item so as to be visible but impossible to select with the motivation to provide the user with the ability to see all the menu options but prevent them from accessing functions that might have harmful affects.

In regards to claim 2, Ezekiel teaches a method for suppressing menu items on a menu, comprising the step of:

retrieving menu items for said menu and an application ID specifying an application of said menu items when an operating system conducts a hook function to notify that said application displays said menu (i.e. *"The step of determining the contents of the menu bar and menus (step AD) is shown in greater detail in the flowchart of FIG. 6. For each registered package (step BA), shell 300 considers in turn*

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*each of the commands in the package's command table (step BB), and assigns each of these package commands to a display group according to the command's group identifier (step BC). Shell 300 then checks to determine whether any windows are active (step BD). If there is an active window, shell 300 checks to determine the active packet for the active window, that is, the packet pointed to by the template object for the active window (step BE). Shell 300 considers in turn each of the commands in the active packet's command table (step BF), and assigns each of these packet commands to a display group according to the command's group identifier (step BG)." Column 8, Line 66);*

*conducting a suppress process indicated in a definition file for a location of said retrieved application ID for said menu items when said retrieved menu items have been registered in said definition file (i.e. "The step of organizing the contents of the menu bar and menus (step AE) is shown in greater detail in the flowchart of FIG. 7. In the specific embodiment, shell 300 uses an organizational plan that is predetermined and built into the design of application program 260. The organizational plan provides a guideline as to which menus are to be included in the menu bar and in what order, and which groups are to be included in particular menus and in what order. It is readily extensible to new groups and menus introduced by add-on software components. For example, the add-on components can specify where a new group or menu is to appear in relation to an existing group or menu." Column 9, Line 14);*

*and passing said menu having said menu items to said application when said suppress process is conducted, whereby said menu is displayed with said menu items*

for each of which said suppress process is conducted (i.e. *"Within the menu currently under consideration, shell 300 considers in turn each group identifier that could possibly appear in the menu (step CB). If, according to the menu contents as previously determined in step AD, no commands are assigned to a display group for this group identifier (step CC), then the group is suppressed from the menu (step CD). Otherwise, the group is included in the menu as a display group that contains the previously determined commands (step CE). Processing continues until all possible groups of the menu have been considered. If the resulting menu is empty because all of its groups were suppressed (step CF), then the entire menu is suppressed (step CG). Otherwise the menu is included in the menu bar (step CH). Processing continues until all possible menus have been considered."* Column 9, Line 30).

Ezekiel does not specifically teach modifying a definition file by allowing a user to select one or more of said menu items being registered in a definition file to be suppressed, and to indicate a suppress process, among a plurality of suppress processes, to be performed on said one or more of said menu items. Carpenter teaches modifying a definition file by allowing a user to select one or more of said menu items being registered in a definition file to be suppressed, and to indicate a suppress process, among a plurality of suppress processes, to be performed on said one or more of said menu items (i.e. Figure 4, Element 72). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ezekiel with the teachings of Carpenter and provide the functionality of modifying a definition file by allowing a user to select one or more of said menu items being registered in a definition file to be



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suppressed, and to indicate a suppress process, among a plurality of suppress processes, to be performed on said one or more of said menu items with the motivation to offer the user with greater flexibility in choosing what is displayed on the screen.

Ezekiel and Carpenter do not specifically teach a method for displaying a suppressed menu item so as to be visible but impossible to select. McGurrian teaches, *"Some menu items may appear differently than others in order to indicate whether they are selectable by the user (i.e., enabled or disabled)."* Column 1, Line 61 and *"A menu editor is used to select whether menu items are enabled or disabled (i.e., unavailable for selection)."* Column 2, Line 47 and *"The menu editor is typically used to define various properties of every object of the menu structure. This would include the style of the individual menu and the conditions for which menu items should be enabled or disabled. Thus individual menu 330 may appear differently during execution of the application than it appears in the document window of the menu editor because of these property settings and the current operational state of the application."* (Column 4, Lines 36). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ezekiel and Carpenter with the teachings of McGurrian and include a method of displaying a suppressed menu item so as to be visible but impossible to select with the motivation to provide the user with the ability to see all the menu options but prevent them from accessing functions that might have harmful affects.

In regards to claim 4, Ezekiel, Carpenter, and McGurrin teach a method, wherein said suppress process conducts at least one of a first suppress display for suppressing an operation corresponding to each of said menu items and displaying said menu items in luminosity or a color that is different from a normal display, a second suppress display for suppressing said operation corresponding to each of said menu items and making said menu items invisible, and a third suppress display for suppressing said operation corresponding to each of said menu items (i.e. *"If, according to the menu contents as previously determined in step AD, no commands are assigned to a display group for this group identifier (step CC), then the group is suppressed from the menu (step CD). Otherwise, the group is included in the menu as a display group that contains the previously determined commands (step CE). Processing continues until all possible groups of the menu have been considered. If the resulting menu is empty because all of its groups were suppressed (step CF), then the entire menu is suppressed (step CG)."* Column 9, Line 33).

Claim 8 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 9 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 14 is in the same context as claim 1; therefore it is rejected under similar rationale.

### ***Response to Arguments***

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Applicant's arguments with respect to claims 1, 2, 4, 8, 9 and 14 have been considered but are moot in view of the new ground(s) of rejection.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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